

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DESIREE AHEARN,

Plaintiff,

-against-

COOPERSMITH'S RESTAURANT,

Defendant.

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LINDSAY, Magistrate Judge:

During the January 25, 2007 conference, the *pro se* plaintiff, Desiree Ahearn, advised the court that she was considering withdrawing her complaint in this case. Accordingly, the court directed that she communicate her decision, in writing, by February 26, 2007. Having received no communication from the plaintiff, by order dated March 20, 2007 the undersigned ordered that the plaintiff advise the court in writing by April 6, 2007 as to her intention to proceed with this case. That order warned the plaintiff that her failure to comply with that order would lead to a recommendation to the district judge that her case be dismissed for failure to prosecute. To date, the plaintiff has not responded. Accordingly, the undersigned recommends that the case be dismissed for failure to prosecute.

Any objections to this Report and Recommendation must be filed with the Clerk of the Court with a courtesy copy to the undersigned within 10 days of service. Failure to file objections within this period waives the right to appeal the District Court's Order. *See* 28 U.S.C. §636 (b) (1); Fed. R. Civ. P. 72; *Beverly v. Walker*, 118 F.3d 900, 902 (2d Cir. 1997); *Savoie v. Merchants Bank*, 84 F.3d 52, 60 (2d Cir. 1996).

Dated: Central Islip, New York
May 18, 2007

_____/s/_____
ARLENE R. LINDSAY
United States Magistrate Judge

No objections having been filed, the Report and Recommendation of Magistrate Judge Lindsay is hereby accepted, and the case is dismissed for failure to prosecute.

SO ORDERED: 6/4/07

S/Brian M. Cogan
U.S.D.J.